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THE

TRAVANCORE GOVERNMENT GAZETTE EXTRAORDINARY

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TRIVANDRUM, MONDAY, 30TH SEPTEMBER 1946/14TH KANNI 1122.

THE TRAVANCORE EMERGENCY POWERS ACT

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PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE UNDER DATE THE 14TH KANNI 1122 CORRESPONDING TO THE 30TH SEPTEMBER 1946

Preamble.

Whereas, notwithstanding the termination of the war an emergent situation exists which renders it necessary to make provision for regulating certain matters, for securing public peace, for the maintenance of public order, and for maintaining supplies and services essential to the life of the community;

It is hereby enacted as follows:—

Short title extent commencement and duration.

1. (1) This Act may be called the Travancore Emergency Powers Act, 1122.

(2) It extends to the whole of Travancore.

(3) It shall come into force on the 1st day of October 1946.

(4) It shall remain in force for a period of two years and for such further period or periods as may be notified by Our Government in our Government Gazette from time to time.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "essential article" means any article which Our Government being of opinion that the maintenance of the supply thereof is essential to the life of the community, declares by notified order to be an essential article:

(b) "essential business" means in relation to a wholesale establishment, wholesale trade in essential articles, in relation to a shop, retail trade in essential articles, and in relation to a restaurant the business of supplying meals or refreshments for consumption on the premises;

(c) "essential commodity" means any article specified in the Schedule to this Act and includes any other article which Our Government may by notified order declare to be an essential commodity;

(d) "food crops" shall include crops of sugarcane and tapioca;

(e) "food stuffs" shall include edible oilseeds and oils;

(f) "hartal" means any concerted cessation of work or refusal to work by a body of persons employed in any place of employment, except a cessation or refusal in furtherance of a trade dispute with which such body of persons in directly concerned.

(g) "notified order" means an order notified in Our Government Gazette;

(h) "paper" shall include newsprint;

(i) "prejudicial act" means any act which is intended or is likely—

(i) to prejudice the relations of Travancore with His Majesty or His Majesty's relations with Travancore or any Indian State or with any foreign Power;

(ii) to prejudice the recruiting of or the attendance of persons for service in Our State Forces or any Police Force or Fire Brigade or any other body of persons entered, enrolled or engaged as public servants:

(iii) to bring into hatred or contempt or to excite disaffection towards Us or Our Government or His Majesty or the Crown Representative or the Government established by law in British India;

(iv) to bring into hatred or contempt, or excite disaffection towards Our State Forces, His Majesty's Forces or any section thereof;

(v) to promote feelings of enmity and hatred between different classes of Our subjects;

(vi) to cause fear or alarm of the public or to any section of the public;

(vii) to impede, delay or restrict the means of transport or locomotion, any work necessary for the production or the supply or distribution of any essential commodity;

(viii) to cause or produce or to instigate or incite directly or indirectly, the cessation of work by a body of persons employed in any place of employment in which fifty or more persons are normally employed, except in furtherance of a trade dispute with which such body of persons is directly concerned;

(ix) to undermine public confidence in the national credit or in any Government loan or security or in any notes, coins or tokens which are legal tender in Travancore;

(x) to encourage or incite any person or class of persons, or the public generally, to refuse or defer payment of any land revenue, tax, rate, cess, or other dues or amount payable to Our Government or any local authority or payable under any law or custom having the force of law for services rendered to the community or any rent of agricultural land or anything recoverable as arrears of or along with such rent;

(xi) to influence the conduct or attitude of the public or of any section of the public in a manner likely to be prejudicial to the maintenance of supplies and services essential to the life of the community;

(xii) to instigate directly or indirectly the use of criminal force against public servants generally or any class of public servants or any individual public servant;

(xiii) to instigate or incite directly or indirectly the commission or abetment of an offence punishable under Sections 112, 113, 114, 124 or 437 of the Travancore Penal Code or the offence of robbery or dacoity;

(xiv) to instigate or incite directly or indirectly the commission or abetment of an offence against o. against any rule made under the Travancore Arms Act, the Travancore Explosives Act or the Travancore Explosive Substances Act;

(xv) otherwise to prejudice the public safety or interest;

(j) "prejudicial report" means any report, statement or visible representation whether true or false, which or the publishing of which, is, or is an incitement to the commission of, a prejudicial act;

(k) "proprietor" of a wholesale establishment, shop or restaurant includes any person responsible for the management thereof ;

(l) "restaurant" means any premises wherein is carried on, whether or not in addition to other forms of business, the business of supplying meals or refreshments to the public or a class of the public, for consumption on the premises;

(m) "schedule" means the schedule to this Act ;

(n) "securities" shall mean the following instruments issued by or for the benefit of a company *viz.*, (i) shares, stocks and bonds, (ii) debentures, (iii) other instruments creating a charge or lien on the assets of the company, and (iv) instruments acknowledging loan to or indebtedness of the company and guaranteed by a third party or entered into jointly with a third party :

(o) "shop" means any premises wherein any retail trade is carried on in essential articles, whether or not in addition to retail trade in other articles and whether for the benefit of the public generally or of a class or classes of persons only ;

(p) "trade dispute" means a trade dispute as defined in the Travancore Trade Disputes Act;

(q) "unauthorized cinematograph film" means a cinematograph film which has not been certified under, or in respect of which a certificate has been suspended under, or in respect of which Our Government has decided that it shall be deemed to be uncertified under Section 7 of the Travancore Cinematograph Act I of 1102 ;

(r) "wholesale establishment" means any premises wherein any wholesale trade is carried on in essential articles, whether or not in addition to wholesale trade in other articles, or wherein any essential articles are kept, whether or not in addition to other articles, for wholesale trade.

Power to control production, supply, distribution etc. of essential commodity.

3. (1) Our Government, so far as it appears to them to be necessary or expedient for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair price may by notified order provide for regulating or prohibiting the production, supply and distribution thereof, and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(a) for regulating by licenses, permits or otherwise the production or manufacture of any essential commodity ;

(b) for bringing under cultivation any waste or arable land, whether appurtenant to a building or not, for the growing thereon of food crops generally or of specified food crops, and for otherwise maintaining or increasing the cultivation of food crops generally or of specified food crops;

(c) for controlling the prices at which any essential commodity may be bought or sold ;

(d) for regulating by licenses, permits or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of any essential commodity ;

(e) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale ;

(f) for requiring any person holding stock of an essential commodity to sell the whole or a specified part of the stock at such prices and to such persons or class of persons or in such circumstances, as may be specified in the order;

(g) for regulating or prohibiting any class of commercial or financial transactions relating to essential commodities which in the opinion of Our Government are, or if unregulated are likely to be, detrimental to public interest:

(h) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(i) for requiring persons engaged in the production, supply or distribution of, or trade or commerce, in any essential commodity, to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order:

(j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, vessels, and aircraft, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licenses, permits or other documents and the charging of fees therefor.

Shops trading in essential articles.

4. (1) Our Government, if they consider it necessary for the purpose of maintaining supplies essential to the life of the community may, by general or special order and subject to the provisions of any law for the time being in force relating to shop hours, require the proprietor of a wholesale establishment, shop or restaurant to keep open the wholesale establishment, shop or restaurant for the conduct of the essential business thereof during such period or periods as may be specified in the order.

(2) No proprietor of a wholesale establishment, shop or restaurant shall close the shop or restaurant on the occasion of a hartal or in contravention of any order under sub-section (1), or suffer the same to be so closed.

(3) If a wholesale establishment, shop or restaurant is closed in contravention of sub-section (2), Our Government or any person authorised by them by general or special order in this behalf may cause the wholesale establishment, shop or restaurant to be opened and the essential business thereof to be carried on through such agency as they or he may think fit and at such prices as may be specified in the order, and may use or cause to be used all such force as may be necessary for the enforcement of this sub-section.

(4) Where the essential business of a wholesale establishment, shop, or restaurant is carried on in pursuance of an order under sub-section (3), all stock-in-trade relevant to the essential business thereof may be sold or disposed of by the agency through which the essential business is carried on, and there shall be paid to the proprietor of the wholesale establishment shop or restaurant a sum determined by Our Government or by a person authorised by them in this behalf as representing the proceeds of the sale or disposal of such stock-in-trade, less the amount of the cost of carrying on the essential business of the wholesale establishment, shop or restaurant.

(5) Where the proprietor of a wholesale establishment, shop or restaurant does not close the wholesale establishment, shop, or restaurant on the occasion of a hartal or in contravention of an order under sub-section (1), but on such occasion or during the period or periods specified in such order, as the case may be, refuses to carry on the essential business thereof except on terms in excess of the normal, the wholesale establishment, shop or restaurant shall be deemed to be closed in contravention of sub-section (2) for all the purposes of this section.

(6) Any person who contravenes any of the provisions of this section or any order made thereunder shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both.

Power to control rent for residential or non-residential accommodation.

5. (1) Our Government, so far as it appears to them to be necessary or expedient for maintaining supplies and services essential to the life of the community, may by notified order provide for regulating the letting and sub-letting of any accommodation or class of accommodation, whether residential or non-residential, whether furnished or unfurnished and whether with or without board, and in particular—

(i) for controlling the rents for such accommodation (either generally or when let to specified persons or class of persons or in specified circumstances);

(ii) for preventing the eviction of tenants and sub-tenants from such accommodation in specified circumstances.

(2) An order under sub-section (1) may be made so as to have effect either generally or in any particular area.

Power to prohibit or restrict the import and export of goods.

6. (1) Our Government, may, by notified order prohibit or restrict the import or export of all goods or goods of any specified description from or to any specified person or class of persons.

(2) Our Government may by notified order make provision for prohibiting, restricting or otherwise controlling in all cases or in specified classes of cases and subject to such exceptions, if any, as may be made, by or under the order, the import, export carriage coastwise or shipment as ships' stores of all goods or goods of any specified description.

(3) Where by an order made under sub-section (1) or sub-section (2), the import or export or the carriage coastwise or the shipment as ships' stores is prohibited, restricted or otherwise controlled, such goods shall be deemed to be goods of which the import or export has been prohibited or restricted under Section 18 of the Travancore Sea Customs Act, V of 1088, and all the provisions of that Act shall have effect accordingly except that section 165 thereof shall have effect as if for the word "shall" in that section the word "may" were substituted.

(4) If any person contravenes any order made under this section, he shall without prejudice to the confiscation or penalty to which he may be liable under the provisions of the Travancore Sea Customs Act V of 1088 as applied by sub-section (3), be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both.

(5) In this section,—

(a) "import" means bringing into Travancore by sea, land or air;

(b) "export" means taking out of Travancore by sea, land or air.

7. (1) If in the opinion of Our Government it is necessary or expedient so to do for securing the public safety, the maintenance of public order, or for maintaining supplies and services essential to the life of the community, Our Government may by notified order applying generally or to any specified area make provision—

Avoidance of strikes and lock-outs.

(*a*) for preventing, subject to the provisions of the order, a strike or lock-out, or stay-in strike, or sit-down strike or any variety thereof in connection with any trade or other dispute;

(*b*) for requiring employers, workmen or both to observe for such period as may be specified in the order such terms and conditions of employment as may be determined in accordance with the order;

(*c*) for referring any trade or other dispute for conciliation, arbitration, or adjudication in the manner provided in the order;

(*d*) for enforcing for such period as may be specified in the order all or any of the decisions of the authority to which a trade or other dispute has been referred for arbitration or adjudication;

(*e*) for any incidental and supplementary matters which appear to Our Government necessary or expedient for the purposes of the order;

Provided that no order made under clause (*b*)—

(i) shall require an employer to observe terms and conditions of employment less favourable to the workmen than those which were applicable to them at any time within three months preceding the date of the order;

(ii) shall, where a trade or other dispute is referred for arbitration or adjudication under clause (*c*), be enforced after the decision of the arbitrating or adjudicating authority is announced by, or with the consent of Our Government.

(2) Unless any such order makes express provision to the contrary, nothing therein shall affect the power to refer any trade or other dispute or matters connected therewith for report or settlement under the Travancore Trade Disputes Act.

(3) Nothing in the Travancore Arbitration Act shall apply to any proceedings under any such order.

(4) An order made under sub-section (1) referring a trade or other dispute for arbitration or adjudication shall specify as far as may be practicable the matters upon which arbitration or adjudication is necessary or desirable:

Provided that—

(i) Our Government may of their own motion or at the instance of any arbitrating or adjudicating authority add to, amend or vary the matters so specified;

(ii) Our Government may with a view to specify the said matters direct the arbitrating or adjudicating authority to make a preliminary enquiry into the nature of the dispute, and postpone specification for such time as may be reasonably required.

(5) In this section the expression "employer", "lock-out", "strike", "trade dispute" and "workmen" shall have the meanings respectively

assigned to them in section 2 of the Travancore Trade Disputes Act, subject to the modification that the references to trade or industry in the definitions of "strike" and "workmen" in the said section shall be construed as including the performance of its functions by a local authority.

Prevention of hartals in places of employment.

8. (1) If in the opinion of Our Government a body of persons employed in any place of employment is likely to take part in, or is taking part in, a hartal, then, without prejudice to any other proceedings which may be taken in respect of such hartal, Our Government may by order in writing require the person owning or having the management of such place of employment to take, within such time as may be specified in the order, such measures as may be so specified, to secure that the hartal shall not take place, or as the case may be, shall cease.

(2) If in the opinion of Our Government a place of employment has been closed for reasons other than the furtherance of a trade dispute, Our Government may by order in writing require the owner or persons having the management of such place of employment to take, within such time as may be specified in the order, such measures as may be so specified, to secure that the place of employment shall be opened, and shall remain open, for the unimpeded employment of persons employed therein.

(3) If any person contravenes the provisions of any order made under this section, he shall be punishable with imprisonment of either description for a term which may extend to five years or with fine which may extend to one thousand rupees and to a further fine which may extend to one hundred rupees for every day after the first during which the contravention continues, or with both such imprisonment and fine as aforesaid.

Prohibition of prejudicial acts and reports.

9. (1) No person shall without lawful authority or excuse,—

(a) do any prejudicial act; or

(b) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces, any prejudicial report and any person who distributes or sells any report of that nature knowing it to be of such nature shall be deemed to have contravened this section.

(3) Any person who exhibits or causes or allows to be exhibited, to the public or to any section of the public any unauthorised cinematograph film containing any prejudicial report or any reference to representation of any such report and the licensee of any building or other premises licensed under the Travancore Cinematograph Act, I of 1102, for giving exhibitions by means of a cinematograph shall be deemed to have contravened this section.

(4) The proprietor, manager or any other person in control of any place in which, and every person who takes part in any public performance of any play, pantomime, drama or recitation in the course of which any prejudicial report is published shall each be deemed to have contravened this section.

(5) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both:

Provided that in any proceedings arising out of a contravention of this section—

(a) in relation to the making or printing of any document ,it shall be a defence for the accused to prove that the said document was made or printed, as the case may be—

(i) before this Act came into force; or

(ii) with the permission or under the authority of Our Government; or

(iii) as a proof intended for submission to Our Government or to a person or authority designated by Our Government in this behalf with a view to obtaining permission for its publication;

(b) in relation to the publication of any document it shall be a defence for the accused to prove that the said document was published—

(i) before this Act came into force; or

(ii) with the permission or under the authority of Our Government.

Illegal possession of certain publications.

10. (1) No person shall, without lawful authority or excuse, have in his possession any document containing any prejudicial report or any unauthorised cinematograph film of the nature described in sub-section (3) of section 9.

(2) Any person who without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any prejudicial report shall, unless he proves that he did not know and had no reason to suspect, that the said document contained any such report as aforesaid or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this section.

(3) The licensee of any building or other premises licensed under the Travancore Cinematograph Act I of 1102, in or on which any unauthorised film is found shall, unless he proves that the said unauthorised film was in or on such building or other premises without his knowledge or against his consent be deemed to have contravened this section.

(4) In any proceedings arising out of a contravention of this section in respect of the possession of any document it shall be a defence for the accused to prove that the said document—

(a) was in his possession with the permission or under the authority of Our Government: or

(b) was a proof prepared by or for him for submission to Our Government or to a person or authority designated by Our Government in this behalf with a view to the obtaining of permission for its publication; or

(c) was published before this Act came into force.

(5) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both.

11. (1) Where in the opinion of Our Government any document made, printed or published whether before or after this Act came into force, contains any prejudicial report, Our Government may, by notified order—]

Proscription, etc., of certain documents.

(a) require the editor, printer, publisher or person in possession of such document to inform the authority specified in the order of the name and address of any person concerned in the making of such report;

(b) provide for the safe keeping by persons in possession of such document and copies thereof;

(c) require the delivery of such document and any copy thereof to an authority specified in the order;

(d) prohibit the further publication, sale or distribution of such document, of any extract therefrom or of any translation thereof, including, in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof;

(e) declare such document and every copy or translation thereof or extract therefrom to be forfeited to Our Government.

Explanation.—In this sub-section, document includes gramaphone records, sound tracts, and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

(2) Where in pursuance of sub-section (1) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(3) Where in pursuance of sub-section (1) any document has been declared to be forfeited to Our Government, any police officer may seize any copy thereof, wherever found in Travancore and any Magistrate may by warrant authorise any police officer not below the rank of Inspector to enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

12. Whenever Our Government are of opinion that any play, pantomime or other drama performed or about to be performed, in a public place, contains any prejudicial report, or is calculated to instigate the commission of a prejudicial act they may, by order, prohibit the performance; and thereupon the provisions of Sections 3 to 8 of the Travancore Dramatic Performances Act, 1115, shall apply in relation to any such performance as they apply in relation to any performance prohibited by Our Government under section 2 of that Act:

Control of dramatic performances

Provided that any person who commits in relation to any order made in pursuance of this section any of the offences specified in Sections 3 and 5 of the Travancore Dramatic Performances Act 1115, shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both

13. (1) Our Government may, for the purpose of securing the public safety or the maintenance of public order, by general or special order, prohibit the shouting of slogans or the hoisting or display of flags or prohibit, restrict or impose conditions upon the holding of or taking part in public processions, meetings or assemblies.

Control of processions, meetings etc.

(2) For the purpose of sub-section (1), any procession, meeting or assembly which is open to the public or to any class or portion of the public, whether held in a public or a private place and whether admission thereto is restricted by the issue of tickets or otherwise, shall be deemed to be a public procession, meeting or assembly as the case may be.

(3) Any police officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made under this section.

14. (1) Our Government may, by general or special order, prohibit, restrict or impose conditions on the possession, carrying, use, sale or other disposal of—

Carrying and possession of arms and explosives.

(a) arms or articles capable of being used as arms,

(b) ammunition,

(c) substances (hereinafter referred to as explosive substances) which are, or are declared to be, explosives within the meaning of the Travancore Explosives Act, 1116.

(2) Without prejudice to any powers conferred by or under any other law for the time being in force—

(a) if any police officer not below the rank of Head Constable or any other public servant authorised by Our Government to act under this section, suspects that any arms, articles capable of being used as arms, ammunition, or explosive substances are in or upon any land, vehicle, aircraft, vessel, building or other premises in contravention of an order made under sub-section (1), he may enter, if necessary by force, and search the land, vehicle, aircraft, vessel, building or premises in or upon which he suspects that a contravention of an order made under sub-section (1) has been committed at any time of the day or night, and may seize any arms, articles capable of being used as arms, ammunition or explosive substances found thereon which he suspects to be therein or thereon in contravention of such order ;

(b) if any police officer, or any other public servant authorised by Our Government to act under this section, suspects that any person is carrying, or is in possession of, arms, articles capable of being used as arms, ammunition, or explosive substances in contravention of an order made under sub-section (1), such officer or other public servant may stop and search or cause to be searched such person and seize any arms, articles capable of being used as arms, ammunition or explosive substances possessed or carried by him which such officer or other public servant suspects to be possessed or carried in contravention of such order :

Provided that no female shall be searched in pursuance of the provisions of this section except by a female.

(3) Any arms, ammunition, explosive substances or other articles seized under the provisions of this section may be destroyed or otherwise disposed of as may be ordered by Our Government.

(4) If any person contravenes any order made under this section he shall be punishable with imprisonment of either description for a term which may extend to two years or with fine or with both.

Manufacture and transport of explosives and other dangerous articles.

15. (1) Our Government may, as respects any premises used for producing, treating, handling or keeping any munitions of war, explosives or petroleum or any other substance to which any of the provisions of the Travancore Explosives Act. XIII of 1116, or the Travancore Petroleum Act, 1115, apply or may be applied, by order make provision for the safety of persons and property in, or in the vicinity of, such premises, and by any such order, may authorise the searching of persons entering or seeking to enter, or being within any permises to which the order applies :

Provided that no female shall be searched in pursuance of such order except by a female.

(2) Our Government may, by order, make, in relation to the conveyance on vehicles or vessels of any description of any such articles or substances as are mentioned in sub-section (1) such provision as may appear to be necessary or expedient for the protection of persons or property against danger arising from, or in connection with, such conveyance.

(3) If any person contravenes any order made under this section he shall be punishable with imprisonment of either description for a term which may extend to two years or with fine or with both.

Unlawful drilling.

16. (1) Our Government may by general or special order prohibit or restrict in any area any such exercise, movement, evolution or drill of a military nature as may be specified in the order.

(2) Our Government may, by general or special order, with a view to securing that no unauthorised exercise, movement, evolution or drill of a military nature is performed at any place, prohibit, restrict or impose conditions on the holding of, or taking part in, any such camp, parade, meeting or assembly, or such class thereof, as may be specified in the order.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment of either description for a term which may extend to five years or with fine or with both.

Unofficial uniform, etc.

17. (1) If Our Government are satisfied that—

(a) the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of Our State Forces or of His Majesty's Forces or by a member of any official Police Force or of any force constituted under any law for the time being in force,

(b) the wearing or display in public of any distinctive dress or article of apparel or any emblem,

would be likely to prejudice the public safety, or the maintenance of public order, Our Government may, by general or special order, prohibit or restrict the wearing or display in public of any such dress, article of apparel or emblem.

(2) For the purposes of this section a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this section he shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both.

Requisitioning of property.

18. (1) If in the opinion of Our Government it is necessary or expedient so to do for securing the maintenance of public order or for maintaining supplies and services essential to the life of the community, Our Government may, by order in writing, requisition any property movable or immovable and may make such further orders as appear to Our Government to be necessary or expedient in connection with the requisitioning.

(2) Where Our Government have requisitioned any property under sub-section (1), Our Government may use or deal with the property in such manner as may appear to them to be expedient.

(3) Whenever in pursuance of sub-section (1) Our Government requisition anyproperty, the owner thereof shall be paid such compensation as Our Government may determine.

(4) Our Government may with a view to requisitioning any property under sub-section (1) or determining the compensation payable under sub-section (3), by order,

(a) require any person to furnish to such authority as may be specified in the order, such information in his possession relating to the property as may be so specified;

(b) direct that the owner or person in possession of the property shall not without the permission of Our Government dispose of it or remove it from the premises in which it is kept till the expiry of such period as may be specified in the order.

(5) Without prejudice to any powers otherwise conferred by this Act, any person authorised in this behalf by Our Government may enter any premises and inspect such premises and any property therein or thereon for the purpose of determining whether, and if so, in what manner, an order under this section should be made in relation to such property or with a view to securing compliance with any order made under this section.

Release from requisition

19. (1) Where any property requisitioned under the Defence of Travancore Rules or section 18 of this Act to be released from such requisition, Our Government or any person generally or specially authorised by them in this behalf may, after such enquiry if any, as they or he may in any case consider it necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order under sub-section (1) shall be a full discharge of Our Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be

entitled by due process of law to enforce against the persons to whom possession of the property is given.

Control of capital issues.

20. (1) (a) No company, whether incorporated in Travancore or not, shall, except with the consent of Our Government,—

(i) make an issue of capital in Travancore ;

(ii) make in Travancore any public offer of securities for sale ;

(iii) renew or postpone the date of maturity or repayment of any security maturing for payment in Travancore.

(b) Our Government may on application make an order according recognition to an issue of capital made or to be made outside Travancore by a company not incorporated in Travancore.

Explanation:—For the purpose of this section a person shall be deemed to make an issue of capital who issues any securities whether for cash or otherwise.

(2) Our Government may qualify any consent or recognition accorded by them under sub-section (1) with such conditions whether for immediate or future fulfilment, as they may think fit to impose, and where a company acts in pursuance of such consent or recognition, it shall comply with the terms of any condition so imposed.

(3) No company incorporated in Travancore shall, except with the consent of Our Government, make an issue of capital outside Travancore.

(4) No person shall issue in Travancore any prospectus or other document offering for subscription or publicly offering for sale any security which does not include a statement that the consent or recognition, as the case may be, of Our Government has been obtained to the issue or offer of the securities, and no person shall without the consent of Our Government issue in Travancore any document publicly offering for sale any security issued with the consent or recognition of Our Government if such issue was made by a private company or if the order according it consent or recognition contained a condition that the securities should be privately subscribed.

(5) Our Government may by order condone a contravention of sub-section (1), sub-section (3) or sub-section (4) and on the making of such order the provisions of this section shall have effect as if an exemption had been granted under this section from the operation of sub-section (1), sub-section (3) or sub-section (4), as the case may be, in favour of the thing done in contravention of such sub-section.

(6) No person shall accept or give any consideration for any securities in respect of an issue of capital made or proposed to be made in Travancore or elsewhere unless the consent or recognition of Our Government has been accorded to such issue of capital.

(7) Any person authorised in this behalf by Our Government may, for the purpose of enquiring into the correctness of any statement made in an application for consent or recognition to an issue of capital or ascertaining whether or not the requirements of any condition attached to an order according such consent or recognition have been complied with—

(a) require any company or any officer of a company which has made such application or obtained such order to submit to him such accounts, books or other documents or to furnish to him such information as he may reasonably think necessary, or

(*b*) at any reasonable time enter any office, factory, land or other premises occupied by such company and inspect the office, factory, land or other premises and require any person found therein who is for the time being in charge thereof to produce to him and allow him to examine such accounts, books or other documents as may relate to the business of the company or to furnish to him such information as he may reasonably think necessary.

(8) Our Government may, by special or general order, grant exemption from all or any of the provisions of this section.

(9) If any person contravenes the provisions of this section, he shall be punishable with imprisonment of either description for a term which may extend to five years or with fine or with both.

Externment of suspected persons.

21. (1) If Our Government are of opinion with respect to any particular person that with a view to preventing him from doing any prejudicial act or doing any act which is against public interest it is necessary so to do Our Government may make an order directing such person to remove himself from Travancore in such manner, by such time and by such route as may be specified in the order, and prohibiting his return to Travancore.

(2) If any person fails to leave Travancore in accordance with the requirements of an order made under sub-section (1), then, without prejudice to the provisions of sub-section (3), he may be removed from Travancore by any police officer or by any person acting on behalf of Our Government.

(3) If any person contravenes any order made under this section he shall be punishable with imprisonment of either description for a term which may extend to five years or with fine or with both.

Penalties.

22. (1) If any person contravenes any order made or deemed to be made under sections 3, 5, 7, 11, 13, 18 or 20 he shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both.

(2) Any court trying a contravention of an order made or deemed to be made under section 3 may direct that any property in respect of which the court is satisfied that the order has been contravened shall be forfeited to Our Government:

Provided that where the contravention is of an order relating to food stuffs, the court shall make such direction, unless for reasons to be recorded in writing, it is of opinion that the direction should not be made in respect of the whole or as the case may be, a part, of the property.

Power of Government to confiscate property.

23. (1) Notwithstanding anything contained in any other provisions of this Act any property in respect of which a contravention of any of the provisions therein or of any order made thereunder is committed and any property involved in or utilised for such contravention shall be confiscated by a written order of Our Government:

Provided that an order of confiscation under this section shall be no bar to the prosecution or punishment of any person under the provisions of this Act.

(2) Any person having an interest in the property confiscated under sub-section (1) may, within thirty days of the date of the order, apply to Our High Court to set aside the order of confiscation on the ground that the property so confiscated was not one in respect of which a contravention of any of the provisions of this Act or of any order made thereunder was committed or that such property was not involved in or utilised for any such contravention or that the property was so utilised without the consent or knowledge of the owner thereof.

(3) Every application made under sub-section (2) shall be heard and determined by a Division Bench of Our High Court and the decision of such Division Bench shall be final.

(4) If in the opinion of Our High Court the property confiscated was not one in respect of which a contravention of any of the provisions of this Act or of any order made thereunder was committed or that such property was not involved in or utilised for such contravention or that it was so utilised without the consent or knowledge of the owner thereof Our High Court shall set aside the order of confiscation. Upon such setting aside, the property confiscated shall be returnable to the applicant.

Delegation of powers.

24. Our Government may by order direct that any power which is conferred upon Our Government shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged by any officer or authority subordinate to Our Government.

Offences by corporations.

25. If the person contravening an order made or deemed to be made under this Act is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be, deemed to be guilty of such contravention.

Attempts, etc., to contravene orders

26. Any person who attempts to contravene or abets a contravention of, any order made or deemed to be made under this Act shall be deemed to have contravened that order.

Special provisions regarding fine.

27. Notwithstanding anything contained in Section 21 of the Code of Criminal Procedure 1117, it shall be lawful for any Magistrate of the first class to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening an order made or deemed to be made under this Act.

Power to try offences summarily.

28. Any Magistrate or Bench of Magistrates empowered for the time being to try in a summary way the offences specified in Section 258 of the Code of Criminal Procedure, 1117, may, on an application in this behalf being made by the prosecution, try in accordance with the provisions contained in Sections 261 to 264 of the said Code any offence punishable under this Act.

Arrest and detention.

29. (1) Any police officer or any other officer of Our Government empowered in this behalf by general or special order of Our Government, may arrest without warrant any person whom he reasonably suspects of having acted, of acting, or of being about to act—

(a) in a manner prejudical to the public safety, or
(b) in any area in which Our Government has, by notification, declared that this section shall become operative, in a manner calculated to promote, or to assist the promotion of, rebellion against the authority of Our Government.

(2) Any officer who makes an arrest in pursuance of sub-section (1) shall forthwith report the fact of such arrest to Our Government and pending the receipt of the orders of Our Government may by order in writing commit any person so arrested to such custody as Our Government may, by general or special order, specify:

Provided:

(i) That no person shall be detained in custody under this sub-section for a period exceeding fifteen days without the order of Our Government; and
(ii) that no person shall be detained in custody under this sub-section for a period exceeding two months.

(3) On receipt of any report made under the provisions of sub-section (2), Our Government may, in addition to making such order, subject to the second proviso to sub-section (2), as may appear to be necessary for the temporary custody of any person arrested under this section, make, in exercise of any power conferred upon it by any law for the time being in force, such final order as to his detention, release, residence or any other matter concerning him as may appear to Our Government in the circumstances of the case to be reasonable or necessary.

(4) Subject to the condition that nothing in this sub-section shall be deemed to extend the limits of detention prescribed in the first and second provisos to sub-section (2), Our Government may, direct that any person arrested under sub-section (1) shall be removed to any other Indian State or Province in British India the Government of which, (hereinafter described as the second Government,) has given its consent in this behalf, and thereupon such person shall be removed and the second Government shall take in respect of such person such action as may be lawful in like manner as if such person had been arrested within that State or Province.

30. If any person—

False statements.

(i) when required by any order made or deemed to be made under this Act to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or
(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish,

he shall be punishable with imprisonment of either description for a term which may extend to three years or with fine or with both.

Burden of proof in certain cases.

31. Where any person is prosecuted for contravening any order made or deemed to be made under this Act which prohibits him from doing an act or being in possession of a thing without lawful authority or without a permit, licence or other document the burden of proving that he has such authority, permit, license or other document shall be on him.

Cognisance of offences.

32. No Court shall take cognisance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in Section 15 of the Travancore Penal Code.

Effect of orders inconsistent with other enactments.

33. Any order made or deemed to be made under this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Savings as to orders.

34. (1) No order made or deemed to be made in exercise of the powers conferred by or under this Act shall be called in question in any court.

(2) No court shall have power to make any order under Section 402 of the Code of Criminal Procedure, 1117, in respect of any order made under section 21 of this Act or in respect of any person the subject of such an order.

(3) Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall within the meaning of the Travancore Evidence Act, 1117, presume that such order was so made by that authority.

Protection of action taken under the Act.

35. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Act.

(2) No suit or other legal proceeding shall lie against Our Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Act.

Appeals.

36. An appeal shall lie to Our Government from any decision made by an officer of Our Government in exercise of the powers conferred on such officer by or under this Act, and the decision of Our Government thereon shall be final.

Continuance in force of existing orders.

37. Until other provisions are made under this Act, any order, whether notified or not, made by whatever authority under Rule 40, or Rule 56, or Rule 76 or Rule 80B or sub-rule (2) or sub-rule (3) of Rule 81 or Rule 81A or sub-rule (3) of Rule 84 or Rule 94B of the Defence of Travancore Rules in respect of any matter specified in sections 3, 5, 6, 7, 11, 13, 18 or 20 which was in force immediately before the commencement of this Act shall, notwithstanding the expiration of the said rules, continue in force so far as consistent with this Act and be deemed to be an order made under sections 3, 5, 6, 7, 11, 13, 18 or 20 of this Act, as the case may be, and all appointments made, licenses or permits granted and directions issued under any such order and in force immediately before such commencement shall likewise continue in force and be deemed to be made, granted or issued in pursuance of this Act.

SCHEDULE.

1. Coir and Coir Products.
2. Cotton and woollen textiles.
3. Drugs.
4. Dyes used for textile printing and chemicals.
5. Fish oil.
6. Foodstuffs.
7. Iron and steel.
8. Live-stock.
9. Machine tools.
10. Matches.
11. Mechanically propelled vehicles and spare parts of such vehicles.
12. Paper.
13. Petroleum and petroleum products.
14. Rubber and rubber goods.
15. Salt.
16. Spices.
17. Timber.
18. Tobacco.
19. Type-writer.
20. Utensils, brass, copper or aluminium.

SIGN MANUAL.

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